



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,289	05/15/2001	Yoshiyuki Ono	FUJM 18.650	1906

26304 7590 07/28/2005

KATTEN MUCHIN ROSENMAN LLP  
575 MADISON AVENUE  
NEW YORK, NY 10022-2585

EXAMINER

LETT, THOMAS J

ART UNIT

PAPER NUMBER

2626

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/855,289

**Applicant(s)**

ONO ET AL.

**Examiner**

Thomas J. Lett

**Art Unit**

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Objections*

1. Claim 10 is objected to because of the following informalities: the semicolon should be replaced with a period after the phrase "said fax signal" on page 5, line 13.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Jacobi et al (USPN 6,249,531 B1).

With respect to claim 1, Jacobi et al discloses a communication apparatus (network access server 10, col. 3, lines 56-57) comprising:

an audio compression unit (compression/decompression circuitry 36, col. 4, lines 39-42) for compressing an audio signal and outputting said compressed audio signal;

a fax-termination/switching control unit (controller 38 transfers fax data and any signaling information to a remote communication device on the network 50, col. 4, lines 57-63) which (compression/decompression circuitry 36), carries out termination

Art Unit: 2626

processing on a fax signal and controls a switch (controller 38, col. 4, line 45-49) to output not an output of said audio compression but said fax signal completing said termination processing when said fax signal is detected; and

an exclusion processing unit (analog line monitor 30, col. 3, line 67 - col. 4, line 11) which is provided in front of said audio compression unit (see Fig. 3) and blocks transmission of a negotiation signal (analog signals contained in calls from the analog communications devices 12, 14, and 16, col. 3, line 67 - col. 4, line 11) to said audio compression unit (compression/decompression circuitry 36) in an exclusion process when detecting said negotiation signal.

With respect to claim 2, Jacobi et al discloses a communication apparatus according to claim 1, wherein said exclusion processing unit (analog line monitor 30, col. 3, line 67 - col. 4, line 11) removes only a signal component (carrier) with a frequency of said negotiation signal (analog signals contained in calls from the analog communications devices 12, 14, and 16, col. 3, line 67 - col. 4, line 11) from an input signal (signals from devices 12, 14, or 16) and passes on components with other frequencies (voice information).

With respect to claim 3, Jacobi et al discloses a communication apparatus according to claim 1, said communication apparatus further comprising:

a single-tone-generating (analog line 28, col. 6, lines 32-34) unit for generating a single tone with a fixed frequency indicating a fax terminal (carrier tone signal, col. 4, lines 3-5) upon detection of said negotiation signal; and

Art Unit: 2626

a synthesis unit (analog line monitor 30, col. 3, line 67 - col. 4, line 11) for adding said single tone to a signal completing said exclusion process carried out in said exclusion processing unit (analog line monitor 30).

With respect to claim 4, Jacobi et al discloses a communication apparatus according to claim 3, wherein said single-tone-generating unit generates said single tone (carrier tone signal, col. 4, lines 3-5) at the same level as a component with a predetermined frequency (analog telephone signal) of said input signal.

With respect to claim 5, Jacobi et al discloses a communication apparatus according to claim 1, wherein:

said negotiation signal is a signal completing amplitude modulation (Examiner notes that amplitude modulation means a carrier wave is modulated in proportion to the strength of a signal. The carrier rises and falls instantaneously the highs and lows of a voice conversation. The amplitude modulation signal originates from devices through analog line 28).

said fax-termination/switching control unit includes a detection unit (analog line monitor 30 from devices 12, 14, and 16, col. 3, line 67 - col. 4, line 11) detects analog voice signals for detecting said negotiation signal within one period of an amplitude-modulation component; and

said exclusion processing unit (analog line monitor 30, col. 3, line 67 - col. 4, line 11) carries out an exclusion process on said input signal right after said detection unit detects said negotiation signal.

With respect to claim 7, Jacobi et al discloses a communication apparatus according to claim 5, wherein said detection unit (analog line monitor 30 from devices 12, 14, and 16, col. 3, line 67 - col. 4, line 11) confirms existence of said negotiation signal (analog signals contained in calls from the analog communications devices 12, 14, and 16, col. 3, line 67 - col. 4, line 11) at a point of time said negotiation signal's component (carrier tone) having a predetermined frequency is detected continuously during a period of post-detection protection and said amplitude-modulation component is detected.

With respect to claim 8, Jacobi et al discloses a communication apparatus according to claim 5, wherein said detection unit (analog line monitor 30) confirms non-existence of said negotiation signal when said negotiation signal's (analog signals contained in calls from the analog communications devices 12, 14, and 16, col. 3, line 67 - col. 4, line 11) component (carrier tone) having a predetermined frequency is undetected continuously during a period of pre-extinction protection (if the analog line monitor 30 doesn't detect a carrier tone signal in a call, it is established that the call is a telephone call containing voice information which will be compressed prior to transmission to the remote communications device, col. 5, lines 23-26).

With respect to claim 9, Jacobi et al discloses a communication apparatus according to claim 8, wherein said detection unit (analog line monitor 30) confirms non-existence of said negotiation signal (analog signals contained in calls from the analog communications devices 12, 14, and 16, col. 3, line 67 - col. 4, line 11) when said negotiation signal's component (carrier tone) having a predetermined frequency is

Art Unit: 2626

undetected at at least a predetermined rate of non-detection during a period of pre-extinction protection (if the analog line monitor 30 doesn't detect a carrier tone signal in a call, it is established that the call is a telephone call containing voice information which will be compressed prior to transmission to the remote communications device, col. 5, lines 23-26).

With respect to claim 10, Jacobi et al discloses a communication method performing steps of:

a step carrying out an exclusion process on a negotiation signal when said negotiation signal (analog signal) is detected (if the analog line monitor 30 doesn't detect a carrier tone signal in a call, it is established that the call is a telephone call containing voice information which will be compressed prior to transmission to the remote communications device, col. 5, lines 23-26);

a step compressing said negotiation signal (analog signals contained in calls from the analog communications devices 12, 14, and 16, col. 3, line 67 - col. 4, line 11) carried out by said exclusion process as an audio signal (e.g., signal from device 12) and outputting said compressed negotiation signal (compressed by compression/decompression circuit 36) through a switch (controller 38, col. 4, line 45-49); and

a step carrying out termination processing on a fax signal except said negotiation signal and outputting said fax signal completing said termination processing through said switch (controller 38, col. 4, line 45-49) when said fax signal is detected (if a carrier tone signal is detected, it is determined that the call was generated from either the fax

Art Unit: 2626

16 or the modem 14, and consequently it is unnecessary to compress the data within the call, col. 6, lines 49-52).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Lett whose telephone number is (571)272-7464. The examiner can normally be reached on 7-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A. Williams can be reached on (571)272-7471. The fax phone

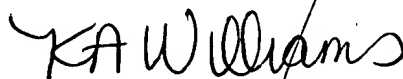


Art Unit: 2626

number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TJL



KIMBERLY WILLIAMS  
SUPERVISORY PATENT EXAMINER